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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 5]

भोपाल, शुक्रवार, दिनांक 1 फरवरी 2019—माघ 12, शक 1940

भाग ४

विषय-सूची

- | | | |
|----------------------------|-------------------------------|----------------------------------|
| (क) (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद् के अधिनियम. |
| (ग) (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

अध्यादेश

विधि और विधायी कार्य विभाग

vBhopal, the 28th January 2019

No. 1632-23-XXI-A (Dr.).—The following Ordinance promulgated by the President of India published in the Gazette of India Extra-ordinary Part II, Section I dated the 12th January 2019 is hereby republished for general information.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ORDINANCE, 2019

No. 1 of 2019

Promulgated by the President in the Sixty-ninth Year of the Republic of India.

An Ordinance to protect the rights of married Muslim women and to prohibit divorce by pronouncing *talaq* by their husbands and for matters connected therewith or incidental thereto.

WHEREAS the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018, was promulgated by the President on the 19th day of September, 2018;

AND WHEREAS the Muslim Women (Protection of Rights on Marriage) Bill, 2018 replacing the said Ordinance was passed by the House of the People on the 27th day of December, 2018 and is pending in the Council of States;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (2) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I PRELIMINARY

Short title, extent and commencement.

1. (1) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 19th day of September, 2018.

Definitions.

2. In this Ordinance, unless the context otherwise requires,—

(a) "electronic form" shall have the same meaning as assigned to it in clause (7) of sub-section (2) of section 2 of the Information Technology Act, 2000;

(b) "talag" means talag-e-biddat or any other similar form of talag having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband; and

2 of 1974.

(c) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides.

CHAPTER II DECLARATION OF TALAG TO BE VOID AND ILLEGAL

3. Any pronouncement of talag by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.

Talag is void and illegal.

4. Any Muslim husband who pronounces talag referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Punishment for pronouncing talag.

CHAPTER III PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom talag is pronounced shall be entitled to receive from her husband such amount of subsistence allowance for her and dependent children as may be determined by the Magistrate.

Subsistence allowance.

Custody of minor children.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Offence to be cognizable, compoundable, etc.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

2.6.1974

(a) an offence punishable under this Ordinance shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Ordinance shall be compoundable, at the instance of the married Muslim women upon whom *talaq* is pronounced, with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Ordinance shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

Repeal and Savings.

8. (1) The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 is hereby repealed.

Ord. 7 of 2018.

Ord. 7 of 2018.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 shall be deemed to have been done or taken under the provisions of this Ordinance.

RAM NATH EDWIND,
President

DR. G. NARAYANA RAO,
Secretary to the Govt. of India

भाग-४ (ग)
अंतिम नियम
विधि और विधायी कार्य विभाग

फा. क्र. 119-2019-इक्कीस-ब (एक)

भोपाल, दिनांक 28 जनवरी 2019

In exercise of the powers conferred by Articles 225 of the Constitution of India, section 54 of the States Reorganisation Act, 1956, clauses 27 and 28 of the letters patent, section 3 of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth ko Appeal) Adhiniyam, 2005, the High Court of Madhya Pradesh, hereby, makes the following amendments in the High Court of Madhya Pradesh Rules, 2008, Namely :—

AMENDMENTS

In the said rules,-

1. In chapter X,-

- (1) in rule 24, published in the Madhya Pradesh Gazette, (extraordinary) dated 07-06-2012 at page No. 532 (9), S.No. 10 (b) and 10(c) are withdrawn which runs as under.
 - (b) after words "the name" & "address and" word "office" is inserted.
 - (c) after words "address name" & "of the advocate" words "phone numbers" are inserted.

After withdrawal of S.No. 10(b) and 10(c), the following amendment are inserted in chapter X, rule 24:-

 - (b) between words "High Court" & "the name", the symbol ",", is inserted.
 - (c) between words "the name" & "address of", the symbol & words ", office" is inserted.
 - (d) between words "address" & "of the advocate", the words ", phone number(s) and e-mail address (if any)" are inserted.
 - (e) between words "the advocate," & "for the Principal Seat", the words "if any," are deleted.

After Amendments, Rule 24 of the Chapter X, shall be read as under:-

24. The Registrar shall require the Central Government and all local or other authorities under the control of the State or Central Government operating within the territory of the State of Madhya Pradesh to inform the High Court, the name, office address, phone number(s) and e-mail address (if any) of the advocate, for the Principal Seat of the High Court at Jabalpur and Benches at Indore and Gwalior, who is authorized to accept service on their behalf. Such information shall be maintained in the form of a Register and shall be made available to the Bar. Whenever such advocate is changed, intimation of such change shall be given to the Registrar, who shall notify it to the Bar.

Provided that it shall not be incumbent upon any such local or other Authority to authorize an advocate for accepting service on its behalf.

2. In Chapter-XIII, after Rule 3, the following rule shall be added, namely:-
 "3A. In application for restoration/review/re-call/modification/clarification of order or judgment passed in a main case, the Court may, at any time, direct the office to attach the record of main case."

3. In chapter XVIII, in rule 18, in the end, before full stop, the follow words, figure and letters shall be inserted, namely:-
“printed on both sides on a recycled, 60 GSM paper”
4. In chapter XIX.
 - (1) In rule 15, the para shall be renumbered as sub-rule (1) thereafter following sub-rules shall be added namely:-
 - “(2) A Judgment or an Order shall be typed/printed on both side of a ledger paper of foolscap size, leaving a margin of not less than 5 centimeters on the top and left and 2.5 centimeters on right and bottom.
 - (3) It shall be printed using double space, font size of 14 and font face Times New Roman.”;
 - (2) In rule 23,-
 - (a) Sub-rule (8) shall be renumbered as sub-rule (10);
 - (b) After sub-rule (7), the following sub-rules shall be added namely:
 - “(8) Such papers, in case of historical, sociological and scientific value, as in the opinion of the Court, should be permanently preserved.
 - (9) Any original document relating to title whether it has been admitted or not.”
 - (3) In rule 24, in the second line between the words “a period of” and the words “and shall”, the figure & word “12 years” shall be substituted by the figure & word “4 years”
 - (4) In rule 26,-
 - (a) sub-rule (1), in proviso the words “shall not be destroyed” shall be substituted by the words “preserved permanently”
 - (b) In Sub-rule (2), in clause (c), after the words “risk of the party”, the words “and destroyed after 12 years from the date of judgment” shall be deleted.
 - (5) After sub-rule (6) of rule 28 of chapter XIX, the following sub-rule shall be added namely:
 - “(7) Such papers, in case of historical, sociological and scientific value, as in the opinion of the Court, should be preserved.
 - (8) Any original document relating to title whether it has been admitted or not.”.
5. In chapter XXI,
 - (1) amendment published in the Madhya Pradesh Gazette, (extraordinary) dated 30-07-2010 at page No. 802 (3), S.No.9 providing that: “In chapter XXI, sub-rule (1) of rule 3 shall be deleted”, is withdrawn.
 - (2) In rule 6, sub-rule (1) shall be deleted.

**IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
BENCH AT GWALIOR**

Class of Case No. of 20

Appellant :
Applicant :
Petitioner :
Versus

Respondent :
Non-applicant :

Part A – Index

S.No.	Description of Documents	Annexure No.	Page No. of the Document
1.
2.
3.

Part B – Chronology of Events

Date	Event
.....
.....
.....
.....

Place:

Date:

(Signature)
Advocate for.....”

REGISTRAR GENERAL
High Court of Madhya Pradesh

There is an urgent need to cope with the need for creation of user-friendly database with features for text, context, keyword based searching and for purpose of safe custody and creation of space for records. The Digitization solution will be an integrated web technology based solution capable of running seamlessly over Intranet, Virtual Private Network (VPN) as well as on the Internet that allows the High Court of Madhya Pradesh to scan and integrate all types of records, Judgments/Orders and enable the end users to search quickly and comprehensively across different media from the vast database available at the High Court of Madhya Pradesh;

Therefore, In exercise of the powers conferred by Article 225 of the Constitution of India, Section 54 of the States Reorganisation Act, 1956, clauses 27 & 28 of the Letters Patent, the High Court of Madhya Pradesh, hereby, makes following rules for digitization of records of the High Court, namely:-

CHAPTER-I

1. **Short Title.-** These Rules may be called the "High Court of Madhya Pradesh Digitization of Records Rules, 2018".
2. **Commencement.-** These rules shall come into force with immediate effect from the date of their publication in the official Gazette.
3. **Definitions:-**
 - (1) **"Application software"** means a program or group of programs designed for end users. The application software includes database programs, word processors, spreadsheets, etc.
 - (2) **"Digitization"** means the process of converting analog signals or information in any form into a digital and un-editable format that can be understood by computer systems or electronic devices.
 - (3) **"Digitization of the High Court records"** means conversion of all physical files including Judicial records of disposed of, pending and freshly filed cases, administrative records, H.R publications, gazette notifications/publications, old books, all registers etc. into digital form capable of being understood by computer systems or an electronic device.
 - (4) **"Digitized/electronic records"** shall bear the same meaning as assigned under the Information Technology Act, 2000.
 - (5) **"Local Area Network"** means a computer network that interconnects computers in a limited area such as a home, school, computer laboratory or office building using network media.

- (6) **“Microfilming”** means a film bearing a photographic record on reduced scale of printed or other graphic matter.
- (7) **“Official”** means the officer and employees of the High Court of Madhya Pradesh.
- (8) **“Physical Records”** means and include records on paper of-
 - (a) cases-pending or disposed of,
 - (b) administrative records,
 - (c) gazette notifications / circulars / publications,
 - (d) journals,
 - (e) books and
 - (f) registers etc.
- (9) **“Repository”** means a central place where data is stored and maintained and this data comprises of collection of electronic records.
- (10) The words and phrases not mentioned herein shall bear the same meaning as assigned under the High Court of Madhya Pradesh, Rules 2008.

CHAPTER-II

PRESENTATION OF MATTERS AT THE FILING COUNTER

4. Notwithstanding anything to the contrary contained in Rule 1, Chapter II of High Court of Madhya Pradesh Rules, 2008.
 - (1) Any main case, interlocutory application or any other document in a main case may be presented at the presentation centre of the High Court during working hours in soft copy (pdf format) by any party or his recognized agent or counsel in person.
 - (2) On such presentation, the advocate/party shall be given the facility of listing of his/her case on next working day after removal of default.
 - (3) In case the advocates/parties are submitting the hard copy of paper book the same will be scanned at scanning center by the scanning team of the High Court or by the vendor appointed by the High Court for the said purpose.
 - (4) The scanned files and the soft copy shall be uploaded on the Server added in the repository.
 - (5) All subsequent orders, memo's, reminders, rejoinders shall be appended/ added in the scanned digital file either through scanning process or digitally attaching the documents with the relevant file/case.

- (6) Any additional amendment submitted later by the parties/advocates at filing center either in the hard copy or soft copy shall be tagged with the relevant file/case in sequential order.

CHAPTER-III

Preservation and Elimination of Records

5. (1) All the original documents after digitization shall be returned to the parties after giving them three months notice to receive the documents and in case the parties do not collect the documents within a period of three months, those documents shall be destroyed in accordance with the provisions of Chapter XIX of the Rules, 2008 under the general superintendence of the Registrar (IT), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose. Record to be digitized and preserved permanently in the un-editable digitized format.
 - (2) Notwithstanding anything contained in Rule 23 to 31, Chapter XIX of High Court of Madhya Pradesh Rules, 2008, Part A of every case shall be digitized and preserved permanently in an un-editable format under the general superintendence of the Registrar (IT) and the Supervising Officer(s) nominated by the Chief Justice.
 - (3) The official digitizing the record of the High Court shall certify that the entire judicial record as per sub-rule (2) of Rule 5 of the given case has been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures, that the required entire judicial record of the given case is available in the un-editable digitized format.
 - (4) The scanned images of the judicial records after digital signature of Supervising Officer(s) shall be kept in such format and in such medium as may, from time to time, be specified by the Chief Justice.
 - (5) The judicial records of the given case which has been digitized for the period specified in Rules 23 to 31 of chapter XIX (records) of the High Court of Madhya Pradesh, Rules 2008 in the physical form.
6. After digitization of the disposed of cases, all the judicial records in the physical form except the judicial record as mentioned in rules of the chapter XIX of High Court of Madhya Pradesh Rules, 2008 shall be destroyed and destruction shall be carried out from time to time as may be necessary in accordance with the provisions of rules of chapter XIX of High Court of Madhya Pradesh Rules, 2008 under the general superintendence of the

Registrar (IT) by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

7. Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the High Court of Madhya Pradesh Rules, 2008, may be eliminated after being retained and secured in electronic form and after certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872.

CHAPTER-IV

Digitization of Registers, Administrative Records, Others papers and Publications:

8. Digitization of Registers & Administrative Records:-

- (1) All the administrative records/files and Registers are to be digitized and preserved permanently in the digitized form by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose and under the general superintendence of the Registrar (IT). For the digitization of Registers related to judicial branch, the digitization will be done by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose and under the general superintendence of the Registrar (IT).
- (2) The official of the IT section digitizing the register shall certify that the entire Administrative Records/Files and Registers have been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures that the entire Administrative Records/Files and Registers are available in the digitized form.
- (3) The registers mentioned in part II of chapter XIX of High Court of Madhya Pradesh Rules, 2008, which have been duly digitized and certified by the Supervising Officer, shall be eliminated. The destruction shall be progressively carried out from time to time in accordance with the provisions of rule 42 (3) of chapter XIX of High Court of Madhya Pradesh Rules, 2008 under the general superintendence of the Registrar (Admin) and Registrar (IT). The digitization of Registers related to judicial branch be done by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
- (4) The administrative records/files which have been duly digitized and certified by the Supervising Officer, shall be destroyed. The destruction process shall be carried out as per the directions of the Chief Justice. It shall be done under the general superintendence of Registrar (Admin).

by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.

- (5) Notwithstanding anything contained in these Rules, all documents, other than those required to be preserved in perpetuity in accordance with the High Court of Madhya Pradesh Rules, 2008, may be eliminated after being retained and secured in electronic form and after certification as required by sub-section (4) of section 65-B of the Indian Evidence Act, 1872.

9. Digitization of all other papers:-

- (1) All the other papers as per directions of the Chief Justice shall be digitized and preserved permanently in the digitized form under the general superintendence of the Registrar (IT) by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
 - (2) The official of the IT department digitizing the papers shall certify that the entire papers have been digitized. The Supervising Officer shall then as soon as possible give a certificate under his physical and digital signatures that the said papers are available in the digitized form.
 - (3) All the papers which have been duly digitized and certified by the Supervising Officer, shall be destroyed except the papers of the current year which shall be preserved in physical form. The destruction shall be progressively carried out from time to time in accordance with orders of the Chief Justice. It shall be done under the general superintendence of Deputy Registrar (Judicial), by the Supervising Officer(s) as may be appointed by the Chief Justice for that purpose.
10. The Chief Justice may, from time to time, issue directions for effective implementation of these Rules and Chapter XIX of "The High Court of Madhya Pradesh Rules, 2008".
11. **Repeal and Saving:-** High Court of Madhya Pradesh Digitization of Records Rules, 2014, in force immediately before the commencement of these Rules, are hereby repealed, in respect of matters covered by these rules;

Provided that any order made or action taken under the Rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these Rules.

REGISTRAR GENERAL,
High Court of Madhya Pradesh

In exercise of the powers conferred by sub section (1) of section 34 of the Advocate Act, 1961 (Act No. 25 of 1961) the High Court of Madhya Pradesh, hereby, makes the following amendments in the High Court of Madhya Pradesh (Conditions of Practice) Rules, 2012, namely:-

AMENDMENTS

In the said rules,

1. In preamble, in last line, for the words "High Court and the Courts subordinate thereto", the words "High Court of Madhya Pradesh and the Courts subordinate thereto", shall be substituted.
2. For rule 3, the following rule shall be substituted, namely:-
 - "3. Definitions.-
 - (1) In these rules unless there is anything repugnant in the subject or context-
 - (a) "Abstention from work" means and includes calling for or participation in a strike, abstention from work in the Court or non-appearance in cases or a particular case or interruption in administration of justice in any manner by Advocates pursuant to a call issued by State Bar Council/Bar Association or any body of Advocates;
 - (b) "Bar Association" means an Association of Advocates recognized as such by the State Bar Council of Madhya Pradesh.
 - (c) "Court" means the High Court of Madhya Pradesh and the Courts subordinate to it, under the jurisdiction of the High Court of Madhya Pradesh.
 - (d) "Office Bearers" means Executive Body elected by the Members of the Bar Association(s) including its Chairman/ President.
 - (e) "State Bar Council" means The State Bar Council of Madhya Pradesh.
 - (f) "The Act" means the Advocates Act, 1961.
 - (2) The words and phrases not defined herein shall respectively carry the same meaning as assigned to them under the Advocates Act, 1961, the Code of Civil Procedure, 1908 or the High Court of Madhya Pradesh Rules, 2008, as the case may be."
 3. In rule 4, sub-rule (2),-
 - (1) the words "the Appendix to" shall be deleted;
 - (2) in the end, before semi colon, the following bracket, word, figure and letter shall be inserted, namely:-
 "(Appendix I-D)"
 - (3) in the third proviso,-
 - (a) the words "the Appendix to" shall be deleted;
 - (b) between the word and figure "Rules, 2008" and the word "expressing" the following bracket, word, figure and letter shall be inserted:-
 "(Appendix I- C)"

4. After rule 13, the following rule shall be inserted namely:
"13-A. Uniform of Advocates appearing before a Court.— Advocates appearing before a Court shall wear the Uniform as prescribed in Chapter IV of PART VI of "The Bar Council of India Rules".
5. After rule 16, the following rule shall be inserted namely:
"16-A. Procedure and Consequences of Breach. If the State Bar Council or the Bar Association issues a call for strike or abstention from the work without the prior consent of the Chief Justice or the District Judge, as the case may be, following consequences shall ensue:-
 - (1) The Office Bearers issuing call on behalf of the State Bar Council or the Bar Association shall be debarred from appearing before any Court in the State of Madhya Pradesh for a period of 1 month from the date of issuance of the call.
 - (2) In case a call is issued for going on strike or for abstention from work within 1 year from the last call, it shall result in debarment of the Office Bearers to appear in any Court in the State of Madhya Pradesh for a period of 2 months.
 - (3) If during tenure of any Office Bearer, any further call for strike or abstention from work is made, the Office Bearers shall be debarred from appearing in any Court in the State of Madhya Pradesh for a period of 3 months from the date of issuance of the call.
6. Appendix 1-A, in the last line of first para, between the words "done by" and the words "/ them" the word "hime" shall be substituted by the word "him".
7. After Appendix 1-B, the following Appendixes shall be added, namely:

APPENDIX 1-C

Form No. 1

IN THE HIGH COURT OF MADHYA PRADESH
 PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
 BENCH AT GWALIOR
 Memo of Appearance

(Civil)

Class of Case No. of 20..... fixed for / /20.....

Appellant :

Applicant :

Petitioner :

Versus

Respondent :

Non-applicant :

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/
Petitioner/Respondent, Applicant/Non-Applicant) to plead on his/her behalf,
in the above proceeding in terms of order III Rule 4 (5) C.P .C.

or

The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/
Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead
on his/her behalf, in the above proceeding in terms of Rule 8 of chapter VIII
of the Rules.

PLACE :

DATE :

(Signature)

Advocate for
Name & Address
.....

APPENDIX I-D

Form No. 2

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR / BENCH AT INDORE /
BENCH AT GWALIOR
Memo of Appearance
(Criminal)

Class of Case No. of 20..... fixed for / /20.....

Appellant :

Applicant :

Petitioner :

Versus

Respondent :

Non-applicant :

1. The undersigned has been authorized, instructed and engaged by Shri/Sushri (Appellant/
Petitioner/Respondent, Applicant/Non-Applicant) to appear, act and plead
on his/her behalf, in the above proceeding.
2. The said instruction / authorization is contained in the annexed letter /
document issued by the said party, or by
son / daughter / wife of
resident of
who has stated that he / she has been authorized by the party to engage an
Advocate on his / her behalf.

or

The undersigned undertakes to produce such letter / document authorizing
him / her to appear in the proceeding, within three weeks.

PLACE :

DATE :

(Signature)

Advocate for
Name & Address
.....

REGISTRAR GENERAL
High Court of Madhya Pradesh

In exercise of the powers conferred by sub-section (1) of section 34 read with sub-section (2) of section 16 of the Advocates Act, 1961 (Act No. 25 of 1961), the High Court of Madhya Pradesh, hereby, makes the following rules, namely:-

1. **Short Title.**—These Rules shall be called the High Court of Madhya Pradesh (Designation of Senior Advocates) Rules, 2018.
2. **Commencement.**—These Rules shall come into force on the date of their publication in the Official Gazette.
3. All matters related to designation of Senior Advocate(s) in the High Court of Madhya Pradesh shall be dealt with by a Permanent Committee known as “Committee for Designation of Senior Advocates”.
4. The Permanent Committee shall comprise, the Chief Justice of the High Court and two Senior-most Judges of the High Court nominated by the Chief Justice, Advocate General of the State and such four Members shall nominate the fifth Member from the Bar.
5. There shall be a Permanent Secretariat of the Permanent Committee which shall be constituted by the Chief Justice in consultation with the other Members of the Permanent Committee.
6. All applications including written proposal by the Hon’ble Judge(s) shall be submitted to the Secretariat.
7. An application or a recommendation shall be placed by the Secretary for consideration before Permanent Committee.
8. The Full Court may designate an advocate as Senior Advocate, if in its opinion, by virtue of his ability, standing at the bar, special knowledge, legal acumen, experience in law and high ethical standards; the said advocate deserves conferral of such distinction.
9. **Qualifications for being Designated a Senior Advocate.**—
 - (1) An advocate shall be considered for being designated as a Senior Advocate only if.—
 - (a) he has actually practiced as an advocate for not less than 15 years and
 - (b) his gross income from the profession is not less than Rs. 10 lacs per annum as shown in the previous 3 years, Income Tax Returns :

Provided that the High Court may, in exceptional cases, relax any of the aforesaid qualifications and designate an advocate as senior advocate, having regard to his experience at bar, knowledge of law and performance in the Court.
10. Where the name of an advocate for designation as Senior Advocate is to be considered by the Permanent Committee constituted under Rule 4; the Secretary of the Secretariat constituted under Rule 5 shall obtain the following particulars in respect of such advocate:
 - (1) Name.
 - (2) Qualification.
 - (3) Date of Birth.

- (4) Permanent address.
 - (5) Address to which communications are to be sent.
 - (6) Name of Bar Council and Date of enrollment as an advocate.
 - (7) Number in the roll of advocates maintained by the State Bar Council.
 - (8) Whether he is/was a member of any association of lawyers? If so the details.
 - (9) Number of years, name of place and Court(s) where practiced.
 - (10) Specialization in any field of law such as Constitutional Law, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Inter-state Water Disputes etc. If so, details.
 - (11) Whether a junior to any lawyer(s) at present? If so, the details.
 - (12) Whether any junior lawyer is practising with him? If so, names of such lawyers and the period.
 - (13) Whether he is an assessed under the Income Tax Act in respect of professional income? If so, details of income assessed for the last three years accompanied by a copy of the Permanent Account Number Card.
 - (14) Whether he is/was in the panel of the State or Central Government or whether holds any office under the State or Central Government?
 - (15) (a) Reference to any important matter in which appeared.
(b) Reported judgments in which the concerned Advocate(s) had appeared in last five years.
 - (16) Whether he has written any book on law or made any contribution to a law publication or journal? If so, the details.
 - (17) Whether he attended or participated in any seminar/conference relating to law?
 - (18) Whether he is/was connected with any faculty of law?
 - (19) Whether any application for designation as senior advocate had been made in the past to the High Court of Madhya Pradesh or any other Court? If so, when and with what result?
 - (20) Whether ordinarily practising within the jurisdiction of the High Court of Madhya Pradesh.
 - (21) Whether he has ever been personally involved in any civil or criminal litigation or contempt proceedings or any disciplinary proceedings against him by the Bar Council. If so the details thereof.
 - (22) Details of participation in pro-bono work.
 - (23) Other information/particulars, if any, including legal services and as Legal aid counsel.
11. The Secretary of the Secretariat shall publish the proposal of designation of particular Advocate in the official website of the High Court inviting the suggestions/views of other stakeholders in the proposed designation.
 12. After collecting the information, the Secretary of the Secretariat shall compile the relevant data and information with regard to the reputation, conduct, integrity of the Advocate(s) concerned and all such other information as may be specifically directed by the Permanent Committee. The Secretariat shall put-up the case before the Permanent Committee for scrutiny.
 13. The Permanent Committee shall examine each case in the light of the data provided by the Secretariat of the Permanent Committee; interview the concerned Advocate; and make its overall assessment on the basis of a point-based format indicated below:

S. No.	Matter	Points
1.	Number of Years of practice of the Applicant Advocate from the date of enrolment. (10 points for 10-20 Years of practice; 20 points for practice beyond 20 Years)	20 Points
2.	Judgments (Reported and Unreported) which indicate the legal formulations advanced by the concerned Advocate in the course of the proceedings of the case; pro-bono work done by the concerned Advocate; domain Expertise of the Applicant Advocate in various branches of law such as Constitutional Law, Criminal Law, Arbitration Law, Corporate Law, Family Law, Human Rights, Public Interest Litigation, International Law, Law relating to Women, Inter-state Water Disputes etc.	40 Points
3.	Publications by the Applicant Advocate	15 Points
4.	Test of Personality & Suitability on the basis of Interview/Interaction	25 Points

14. The list prepared by the Permanent Committee shall be placed before the Full Court for consideration.
15. Ordinarily, in the case of difference of opinions in respect of a Candidate, except when unavoidable, voting by secret ballot shall not be resorted to by the Full Court. In case of voting by secret ballot, decisions will be carried by a majority of the Judges who have chosen to exercise their preference/choice.
16. On approval by the Full Court, the concerned advocate shall be designated as Senior Advocate by the High Court. On such Conferral the Secretary shall notify the fact to the Secretary General, Supreme Court, the Bar Council of Madhya Pradesh, the Bar Council of India as also to all the District and Sessions Judges subordinate to the High Court.
17. **The name not to be reconsidered for next 2 years.**—If the name of an advocate has been considered and not approved by the Full Court, it shall not be reconsidered for next 2 years. After two years, it can be reviewed/reconsidered, following the manner indicated above as if the proposal is being considered afresh.
18. The final decision of the Full Court will be communicated to the applicants individually.
19. In the event a Senior Advocate is found guilty of misconduct which according to the Full Court disentitles the Senior Advocate concerned to continue to be worthy of the designation, the Full Court may review its decision to designate the concerned person and recall the same.

Provided that before reviewing the decision mentioned in Rule 18, the Permanent Committee shall issue a notice to the concerning advocate of not less than 30 days to show cause and after receiving the reply, if any, place it before Permanent Committee who shall examine it and after examination, with his opinion, place it before Full Court.

30. All questions relating to interpretation/application of these Guidelines, shall be referred to the Chief Justice, whose decision thereon shall be final.
21. **Restrictions on Senior Advocates.**—A senior advocate shall not—
- (1) file a vakalatnama or memo of appearance or act in any Court or Tribunal;
 - (2) appear before a Court or Tribunal without an instructing advocate;
 - (3) accept instructions to draw pleadings or affidavits, advise on evidence or do any drafting work of an analogous kind in any Court or Tribunal or undertake conveyancing work of any kind whatsoever;
—but these prohibitions shall not extend to settling any such matter as aforesaid in consultation with an instructing advocate;
 - (4) accept directly from a party any brief or instructions to appear in any Court or Tribunal.
 - (5) be a standing counsel of any government, public sector undertaking, institution or local or corporate body and if he holds such a position, he shall resign or relinquish the same upon being designated a senior advocate.

Provided that, for the purpose of this sub-rule, holding of the office of the Advocate General, Additional Advocate General, Attorney General, Solicitor General or Additional Solicitor General shall not amount to be a standing counsel;

- (6) shall not enter into direct professional correspondence with a litigant except for the purpose of giving opinion.

Explanation.—In this rule.—

- (I) "Act in" means filing an appearance or any pleadings or applications in any Court, Tribunal or Authority in India, or any act (other than pleading) required or authorized by law to be done by a party in such court or tribunal either in person or by his recognized agent or by an advocate or attorney on his behalf;
 - (II) "Tribunal" includes any authority or person legally authorized to take evidence and before whom advocates are by or under any law for the time being in force, entitled to practise;
 - (III) "Instructing Advocate" means an advocate other than a senior advocate, who has been instructed by party in the matter.
22. **Intimation of cancellation of Designation.**—On withdrawal of status of senior Advocate, the Secretary of the Secretariat shall notify the fact to the Secretary General, Supreme Court, the Secretary, Bar Council of Madhya Pradesh, the Secretary, Bar Council of India, the Secretaries of Bar Councils of other States in India and also all the District and Sessions Judges subject to jurisdiction of the High Court. The notification shall also be published in the official website of the High Court and a copy thereof shall be communicated to the Judges of the High Court of Madhya Pradesh.
23. **A Record of Designations to be Maintained.** A record of all such designations and withdrawals shall be maintained in the Secretariat constituted under Rule 5.

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24. Repeal.—

- (1) On coming into force of these rules, the rule framed by the High Court of Madhya Pradesh under Section 16(2) of the Advocates Act, 1961, Published in Madhya Pradesh Gazette, (Extraordinary) dated 11th April, 2012, p. 379-380 (1) shall stand repealed.
- (2) Notwithstanding the fact that these Rules have come into force and repeal under sub-rule (1) has taken effect.—
 - (a) anything duly done or suffered; or
 - (b) any right, obligation or liability, accrued, imposed or incurred; or any proceedings taken or to be taken, in respect of such right, obligation or liability;
—under the repealed Rules, before such enforcement, shall not be affected.
25. All pending applications for designation shall be returned to the applicants concerned for applying afresh in accordance with these Rules. All pending proposals/recommendations for designation shall also be likewise returned.
26. Nothing contained in these rules shall stand in the way of an Advocate who has been designated by the High Court of Madhya Pradesh as a Senior Advocate, from submitting an application to withdraw or recall his/her designation as a Senior Advocate. In the event of such an application addressed to the Secretary to the Secretariat being submitted, the same shall be placed before the Permanent Committee for appropriate action.

REGISTRAR GENERAL
High Court of Madhya Pradesh

राजस्व विभाग**मंत्रालय, वल्लभ भवन, भोपाल**

क्रमांक एफ 2-13-2018-सात-शा. 7

भोपाल, दिनांक 28 जनवरी 2019

मध्यप्रदेश भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959) की धारा 129 के साथ पठित उक्त संहिता की धारा 258 की उपधारा (2) के खण्ड (तीस) के साथ द्वारा प्रदत्त शक्तियों को प्रयोग लाते हुए तथा इस विभाग की अधिसूचना क्रमांक 187-6477-सात-एन-(नियम) दिनांक 6 जनवरी, 1960 जो कि मध्यप्रदेश राजपत्र दिनांक 22 जनवरी, 1960 में प्रकाशित की गई थी, को अतिष्ठित करते हुए, राज्य सरकार, एतद्वारा, मध्यप्रदेश भू-राजस्व संहिता (सीमांकन) नियम, 2018, जिन्हें उक्त संहिता की धारा 258 की उपधारा (3) द्वारा अपेक्षित किए अनुसार पूर्व में प्रकाशित किया जा चुका है, बनाती है :-

अंतिम नियम**1. संक्षिप्त नाम और प्रारंभ. —**

- (1) इन नियमों का संक्षिप्त नाम मध्यप्रदेश भू-राजस्व संहिता (सीमांकन) नियम, 2018 है।
- (2) ये मध्यप्रदेश राजपत्र में इनके प्रकाशन की तारीख से प्रवक्त होंगे।

2. परिभाषाएं. —

- (1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो —
 - (क) 'संहिता' से अभिप्रेत है, मध्यप्रदेश भू-राजस्व संहिता, 1959 (क्रमांक 20 सन् 1959);
 - (ख) 'प्ररूप' से अभिप्रेत है, इन नियमों से संलग्न प्ररूप;
 - (ग) 'अनुसूची' से अभिप्रेत है, इन नियमों से संलग्न अनुसूची;
 - (घ) 'धारा' से अभिप्रेत है संहिता की धारा;
 - (ङ) 'दल नायक' से अभिप्रेत है, नियम 8 के अधीन गठित दल का नेतृत्व करने वाला व्यक्ति।
- (2) उन शब्दों तथा अभिव्यक्तियों का जो कि इन नियमों में प्रयुक्त किए गए हैं, किन्तु परिभाषित नहीं हैं, तथा संहिता में परिभाषित किए गए हैं, वही अर्थ होंगे जो संहिता में उनके लिए क्रमशः समनुदेशित किए गए हैं।

3. सीमांकन तथा सीमा चिन्हों को संनिर्मित करने के लिए आवेदन प्ररूप एक में किया जाएगा।

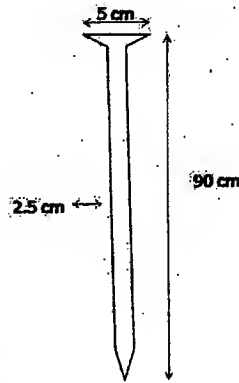
4. (1) आवेदक क्रमशः सीमांकन तथा सीमा चिन्हों को संनिर्मित करने के लिए ऐसी फीस का भुगतान करेगा जो कि कलक्टर द्वारा आयुक्त, भू-अभिलेख के अनुमोदन से समय-समय पर, विनिश्चित की जाए।
- (2) नियम 7 के उपनियम (1) के अधीन भिन्न भिन्न जिलों में सीमांकन करने तथा सीमा चिन्हों को संनिर्मित करने में सहायता प्रदान करने के लिए प्राधिकृत एजेंसियों को संदत्त किए जाने के लिए अपेक्षित प्रभारों के आधार पर भिन्न भिन्न जिलों के लिए भिन्न भिन्न फीस नियत की जा सकेगी।
- (3) यदि आवेदक अपने स्वयं के श्रम एवं व्यय पर सीमा चिन्ह निर्मित करना चाहता है तो वह केवल सीमांकन के लिए यथा नियत फीस का भुगतान करेगा।
- (4) जब तक उपनियम (1) के अधीन कलक्टर द्वारा फीस नियत नहीं की जाती तब तक आवेदक, ऐसी फीस का भुगतान करेगा जैसी कि इन नियमों के प्रारंभ होने के ठीक पूर्व नियत की गई थी।
5. धारा 129 की उपधारा (2) के अधीन सीमांकन रिपोर्ट तहसीलदार को प्ररूप दो में प्रस्तुत की जाएगी।
6. धारा 129 की उपधारा (7) के अधीन सीमांकन रिपोर्ट उपखण्ड अधिकारी को प्ररूप तीन में प्रस्तुत की जाएगी।
7. (1) कलक्टर, आयुक्त, भू-अभिलेख के नियंत्रणाधीन धारा 129 की उपधारा (3) के अधीन सीमांकन करने तथा सीमा चिन्हों को संनिर्मित करने में सहायता प्रदान करने के लिए एक या एक से अधिक एजेंसी को जिले के लिए प्राधिकृत कर सकेगा।
- (2) तहसीलदार, कलक्टर द्वारा, समय-समय पर जारी निदेशों के अनुसार उपनियम (1) के अधीन प्राधिकृत एजेंसियों में से किसी एक एजेंसी को धारा 129 की उपधारा (3) के अधीन सीमांकन करने तथा सीमा चिन्हों को संनिर्मित करने में राजस्व निरीक्षक या नगर सर्वेक्षक की सहायता करने के लिए नियोजित कर सकेगा।
- (3) उपखण्ड अधिकारी, कलक्टर द्वारा समय-समय पर जारी निदेशों के अनुसार उपनियम (1) के अधीन प्राधिकृत एजेंसियों में से किसी एजेंसी को धारा 129 की उपधारा (6) के अधीन सीमांकन करने तथा सीमा चिन्हों को संनिर्मित करने के लिये नियोजित कर सकेगा।
8. (1) धारा 129 की उपधारा (6) के अधीन उपखण्ड अधिकारी द्वारा प्रतिनियुक्त दल निम्नलिखित व्यक्तियों से मिलकर बनेगा—

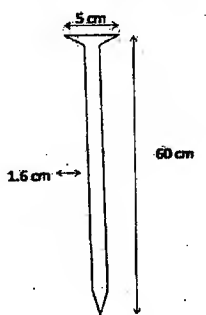
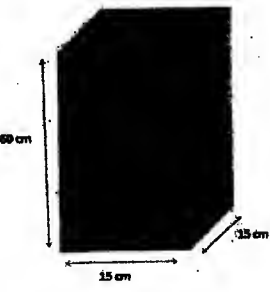
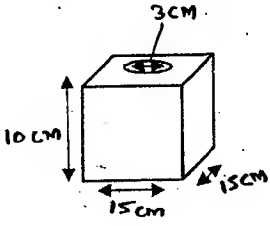
- (क) अधीक्षक, भू-अभिलेख या सहायक अधीक्षक, भू-अभिलेख या राजस्व निरीक्षक या नगर सर्वेक्षक-दल नायक के रूप में; और
- (ख) अन्य राजस्व निरीक्षक या नगर सर्वेक्षक-दल के सदस्य के रूप में।
- (2) उपखण्ड अधिकारी, यदि वह उचित समझे उपनियम (1) के अधीन गठित दल में भूमि सीमांकन में विशेषज्ञता रखने वाले एक या एक से अधिक व्यक्तियों को रख सकेगा।
9. धारा 129 की उपधारा (9) के अधीन संनिर्मित सीमा चिन्हों का माप (डायमेंशन) तथा विनिर्देश (स्पेशिफिकेशन) अनुसूची-एक के अनुसार होंगे:
- परन्तु नियम 7 के उपनियम (1) के अधीन एजेंसियां अधिकृत होने तक, सीमा चिन्हों का माप (डायमेंशन) तथा विनिर्देश (स्पेशिफिकेशन) वही होंगे जो इन नियमों के प्रारंभ होने के ठीक पूर्व विनिर्दिष्ट थे।
10. आयुक्त, भू-अभिलेख, समय समय पर, धारा 129 की उपधारा (9) के अधीन सीमांकन करने तथा सीमा चिन्हों को संनिर्मित करने के लिए तकनीकी अनुदेश जारी कर सकेगा।
11. यदि कोई व्यक्ति, विधिपूर्वक संनिर्मित किए गए किसी सीमा चिन्हों या सर्वेक्षण चिन्हों को जानबूझकर विनष्ट करता है या क्षति पहुंचाता है या विधिपूर्ण प्राधिकार के बिना हटाता है तो वह संहिता की धारा 130 के अधीन शास्ति के लिए दायी होगा।

अनुसूची-एक
सीमा चिन्हों के विनिर्देश (स्पेसिफिकेशन)
(नियम 9 देखिए)

1. सर्वेक्षण संख्यांक, ब्लाक संख्यांक, या भू-खण्ड संख्यांक की पहचान को सुगम बनाने के लिए नीचे सारणी में दिये गये विनिर्देश (स्पेसिफिकेशन) की प्रापटी पिन सीमा चिन्हों के रूप में लगाई जा सकेंगी।
2. भूमि की सीमा दर्शाने के लिए कम से कम 4 प्रापटी पिन लगाई जाएंगी जिनमें से 2 पिन टाईप-1 की होंगी।
3. जहां टाईप-1 या टाईप-2 की पिनों का उपयोग संभव नहीं है वहां टाईप-3 की पिनों का उपयोग किया जा सकेगा।
4. भूमि की सीमा के घुमावों तथा मोड़ों पर उतनी संख्या में प्रापटी पिन लगाई जाएंगी जितनी कि सीमा को दर्शाने के लिए आवश्यक समझी जाएं।
5. सीमा चिन्हों की दृश्यता को बढ़ाने के लिए आवेदक के अनुरोध पर प्रापटी पिन कैप का उपयोग किया जा सकेगा।
6. प्रापटी पिनों और प्रापटी पिन कैपों को क्रय करने तथा लगाने के खर्च आवेदक द्वारा वहन किए जाएंगे। आवेदक पिनों तथा कैपों को उपार्जित करने तथा लगाने के क्रम में, कलक्टर द्वारा नामनिर्दिष्ट एजेंसी का या किसी अन्य स्रोत का चयन कर सकेगा।
7. आयुक्त, भू-अभिलेख, समय-समय पर, प्रापटी पिनों के उपयोग के संबंध में निदेश जारी कर सकेगा।

सारणी
(नियम 9 देखिए)
सीमांकन में सीमा चिन्हों के उपयोग के विनिर्देश (स्पेशिफिकेशन)

सरल कमांक	सीमा चिन्ह का प्रकार	विनिर्देश (स्पेशिफिकेशन)	आरेख
(1)	(2)	(3)	(4)
1.	प्रापटी पिन टाइप-1	<p>(1) गैलवनाइज्ड स्टील कोटिंग के साथ माइल्ड स्टील बार</p> <p>(2) माप (डायमेंशन)-</p> <p>(क) व्यास- 2.5 सेंटीमीटर</p> <p>(ख) लम्बाई- 90 सेंटीमीटर</p> <p>(ग) ऊपरी सिरा चपटा तथा 5 सेंटीमीटर व्यास का शंकवाकार हो।</p> <p>(घ) पिन का निचला हिस्सा नुकीला किया हो</p> <p>(3) सर्वेक्षण संख्यांक, ब्लॉक संख्यांक या भू-खण्ड संख्यांक जैसी स्थिति हो, की सीमा पर पिन भूतल पर उर्ध्वरूप से ठोकी जाएगी, जिसका 10 सेंटीमीटर सिरा भूतल के ऊपर रहेगा।</p> <p>(4) जहां बागड़ या दीवार बनाई जाना है, भूतल से ऊपर प्रापटी पिन की ऊंचाई बढ़ाई जा सकेगी और पिन बागड़ या दीवार का भाग होगी।</p> <p>(5) आवेदक, पिन को भूतल पर लगाने के लिए सीमेंट, कॉन्क्रीट या अन्य उपयुक्त सामग्री का उपयोग अपने खर्चे पर कर सकेगा।</p>	<p>PROPERTY PIN TYPE 1.</p> 

2.	प्रापटी पिन टाइप-2	<p>(1) गैलवनाइज्ड स्टील कोटिंग के साथ माइल्ड स्टील बार</p> <p>(2) माप (डायमेंशन)–</p> <p>(क) व्यास– 1.6 सेंटीमीटर</p> <p>(ख) लम्बाई–60 सेंटीमीटर</p> <p>(ग) ऊपरी सिरा चपटा तथा 5 सेंटीमीटर व्यास का शंकवाकार हो।</p> <p>(घ) पिन का निचला हिस्सा नुकीला किया हो</p> <p>(3) सर्वे संख्यांक, ब्लॉक संख्यांक या भू-खण्ड संख्यांक जैसी स्थिति हो, की सीमा पर पिन भूतल पर उर्ध्वरूप से ठोकी जाएगी, जिसका 10 से.मी. सिरा भूतल के ऊपर रहेगा।</p> <p>(4) जहां बागड़ या दीवार बनाई जाना है, भूतल से ऊपर प्रापटी की ऊंचाई बढ़ाई जा सकेगी और पिन बागड़ या दीवार का भाग होगी।</p> <p>(5) आवेदक पिन को भूतल पर लगाने के लिए सीमेंट, कोंक्रीट या अन्य उपयुक्त सामग्री का उपयोग अपने खर्च पर कर सकेगा।</p>	<p>PROPERTY PIN TYPE 2</p> 
3.	प्रापटी पिन टाइप-3	<p>(1) 60 सेंटीमीटर X 15 सेंटीमीटर X 15 से.मी. माप का रीइनफोर्सड सीमेंट कोंक्रीट (आर.सी.सी) स्तंभ या पत्थर का स्तंभ।</p> <p>(2) स्तंभ का जमीन के भीतर प्लेन सीमेंट के साथ गाड़ा जाएगा।</p> <p>(3) स्तंभ का 10 सेंटीमीटर ऊपरी सिरा भूतल के ऊपर रहेगा।</p>	<p>PROPERTY PILLAR</p> 
4.	प्रापटी पिन कैप	<p>(1) 15 सेंटीमीटर X 15 सेंटीमीटर X 10 सेंटीमीटर प्लेन सीमेंट कांक्रीट या पत्थर के ब्लॉक जिसके बीच में 3 सेंटीमीटर व्यास का बेलनाकार छेद होगा।</p> <p>(2) जहां प्रापटी पिन को लगाया जाना है, उस स्थान पर पिन को कैप के बीच के छिद्र में से भूतल पर ठोका जाएगा।</p>	

प्ररूप-एक

(नियम 3 देखिए)

सीमांकन तथा सीमा चिन्हों को संनिर्मित करने के लिए आवेदन

प्रति,

तहसीलदार/अपर तहसीलदार/नायब तहसीलदार

तहसील.....

जिला.....म.प्र.

मैं/हम.....एतद्वारा, नीचे दिए गए विवरणों के अनुसार भूमि का सीमांकन के लिए निवेदन करता हूँ/करते हैं

और/या

मैं/हम.....एतद्वारा, नीचे दिए गए विवरणों के अनुसार भूमि की सीमांकन तथा सीमा चिन्हों को संनिर्मित करने के लिए निवेदन करता हूँ/करते हैं :

1. आवेदक का विवरण

अनुक्रमांक	नाम तथा पता	पिता/माता/पति/संरक्षक का नाम	मोबाइल/फोन नम्बर	अनुसूचित जनजाति/अनुसूचित जाति/अन्य	पहचान दस्तावेज का विवरण तथा संख्यांक	अभ्युक्ति
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.						
2.						

2. सीमांकित की जाने वाली भूमि का विवरण

जिला.....तहसील.....राजस्व निरीक्षक वृत्त.....

पटवारी हल्का /सेक्टर क्रमांक..... ग्राम / नगरीय क्षेत्र.....

अनुक्रमांक	सर्वेक्षण संख्यांक/ ब्लॉक संख्यांक/ भू-खण्ड संख्यांक	क्षेत्रफल (हेक्टर/ वर्गमीटर में)	धारकों का नाम
(1)	(2)	(3)	(4)
1.			
2.			

3. लगी हुई भूमि के धारकों का विवरण

अनुक्रमांक	सर्वेक्षण संख्यांक/ ब्लॉक संख्यांक/ भू-खण्ड संख्यांक	धारक का नाम	पिता/माता/पति/ संरक्षक का नाम	पूर्ण पता	मोबाइल/फोन नम्बर (यदि ज्ञात हो)
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					

* 4. जमा की गई फीस के ब्यौरे

(रूपयों में)

सरल क्रमांक	जमा की गई फीस के विवरण	राशि	जमा की गई फीस की रसीद के ब्यौरे
(1)	(2)	(3)	(4)
1.	सीमांकन के लिए		
2.	सीमा चिन्हों के संनिर्माण के लिए		
	योग अंकों में शब्दों में		

* यदि आवेदक सीमा चिन्हों का संनिर्माण स्वयं के खर्चे एवं श्रम से करना चाहता है तो उस केवल सीमांकन के लिए नियत फीस का भुगतान करना होगा ।

घोषणा

मैं / हम पुत्र / पुत्री / पति पता (पूर्ण पता मोबाइल नम्बर सहित)
 एतद्वारा घोषणा करता/करती हूँ/हैं कि मेरे / हमारे द्वारा दी गई
 जानकारी मेरे ज्ञान और विश्वास से सत्य एवं सही है तथा मेरे / हमारे द्वारा कोई भी बात
 छिपाई नहीं गई है। मैं / हम यह भी समझते हैं कि मेरे / हमारे द्वारा प्रस्तुत की गई
 जानकारी असत्य होने की दशा में मेरे / हमारे विरुद्ध विधिक कार्रवाई की जा सकेगी।

दिनांक

हस्ताक्षर

स्थान

नाम.....

आवेदक/आवेदकगण

आवश्यक संलग्नक :

1. खसरे की प्रति
2. सीमांकित किए जाने वाले सर्वेक्षण संख्यांक/ब्लाक संख्यांक/भू-खण्ड संख्यांक के नक्शे की प्रति जिसमें लगे हुए सर्वेक्षण संख्यांक/ब्लॉक संख्यांक/भू-खण्ड संख्यांक सम्मिलित है
3. फीस की रसीद की प्रति

प्ररूप-दो
(नियम 5 देखिए)
राजस्व निरीक्षक/नगर सर्वेक्षक की सीमांकन रिपोर्ट

राजस्व प्रकरण क्रमांक.....

समक्ष में न्यायालय तहसीलदार/अपर तहसीलदार/नायब तहसीलदार
तहसील.....जिला.....मध्यप्रदेश

सीमांकन रिपोर्ट दिनांक.....

आपके आदेश दिनांकके अनुपालन में आवेदकद्वारा
धारित पटवारी हल्का क्रमांक/सेक्टर क्रमांक..... ग्राम/नगरीय क्षेत्रमें
स्थित सर्वेक्षण संख्यांक/ब्लॉक संख्यांक/भू-खण्ड संख्यांक.....के सीमांकन
की रिपोर्ट निम्नानुसार प्रस्तुत है :-

1. सीमांकन किये जाने का दिनांक.....
2. सीमांकन शुरू होने का समयसीमांकन समाप्त होने का समय.....
3. हितबद्ध पक्षकारों को दिए गए सीमांकन के नोटिस का विवरण

अनुक्रमांक	नाम	नोटिस की तामिली का प्रकार तथा दिनांक
(1)	(2)	(3)
1.		
2.		

4. पक्षकारों का विवरण जिन्हें नोटिस तामिल नहीं हो सका

अनुक्रमांक	नाम	नोटिस की तामिल न होने के कारण
(1)	(2)	(3)
1.		
2.		

5. सीमांकन के दौरान उपस्थित अधिकारियों तथा पक्षकारों के नाम

अनुक्रमांक	नाम	पदनाम/पक्षकार
(1)	(2)	(3)
1.		
2.		
3.		

6. सीमांकन के बाद संनिर्मित किये गये सीमा चिन्हों के टाईप तथा उनकी संख्या.....

7. भूमि या उसके भाग पर आवेदक से भिन्न किसी अन्य व्यक्ति के कब्जे का विवरण (रिपोर्ट के साथ नक्शे में लाल स्याही से चिन्हित किया जाए)

अनुक्रमांक	नाम	क्षेत्रफल(हेक्टर में/ वर्गमीटर में)	ब्यौरे
(1)	(2)	(3)	(4)
1.			
2.			

8. सीमांकन के दौरान उठाई गई आपत्तियों के विवरण तथा उन पर विनिश्चय

अनुक्रमांक	आपत्तिकर्ता का नाम	संक्षिप्त में आपत्तियां	आपत्तियों पर विनिश्चय
(1)	(2)	(3)	(4)
1.			
2.			

9. 'पंचनामा' में हस्ताक्षर करने से इंकार करने वाले व्यक्तियों के विवरण

अनुक्रमांक	नाम	इंकार करने का कारण
(1)	(2)	(3)
1.		
2.		

10. यदि सीमांकन नहीं किया जा सका हो, तो कारण अभिलिखित किये जाएं.....

11. राजस्व निरीक्षक/नगर सर्वेक्षक की टिप्पणियां

दिनांक.....

स्थान.....

हस्ताक्षर.....

नाम.....

राजस्व निरीक्षक/नगर सर्वेक्षक

संलग्नक—

1. हितबद्ध पक्षकारों पर तामील किए गए नोटिस की प्रतियां
2. बिना तामील हुए नोटिस मूल में (यदि कोई हो)
3. पंचनामा
4. क्षेत्र पुस्तिका (फील्ड-बुक)
5. नक्शा
6. अन्य.....

प्ररूप-तीन
(नियम 6 देखिए)
सीमांकन दल की रिपोर्ट

राजस्व प्रकरण क्रमांक.....

समक्ष में न्यायालय उपखण्ड अधिकारी, उपखण्डतहसील.....
जिला.....मध्यप्रदेश

सीमांकन रिपोर्ट दिनांक.....

आपके आदेश दिनांकके अनुपालन में आवेदकद्वारा
धारित पटवारी हल्का क्रमांक/सेक्टर क्रमांक..... ग्राम/नगरीय क्षेत्रमें
स्थित सर्वेक्षण संख्यांक/ब्लॉक संख्यांक/भू-खण्ड संख्यांक के सीमांकन की रिपोर्ट
निम्नानुसार प्रस्तुत है :-

1. सीमांकन किये जाने का दिनांक.....
2. सीमांकन शुरू होने का समयसीमांकन समाप्त होने का समय.....
3. हितबद्ध पक्षकारों को दिए गए सीमांकन के नोटिस का विवरण

अनुक्रमांक	नाम	नोटिस की तामीली का प्रकार तथा दिनांक
(1)	(2)	(3)
1.		
2.		

4. पक्षकारों के विवरण जिन्हें नोटिस तामील नहीं हो सका

अनुक्रमांक	नाम	नोटिस की तामील न होने के कारण
(1)	(2)	(3)
1.		
2.		

5. सीमांकन के दौरान उपस्थित अधिकारियों तथा पक्षकारों के नाम

अनुक्रमांक	नाम	पदनाम/पक्षकार
(1)	(2)	(3)
1.		
2.		

6. सीमांकन के बाद संनिर्मित किये गए हैं सीमा चिन्हों के टाईप तथा उनकी संख्या.....

7. भूमि या उसके भाग पर आवेदक से भिन्न किसी अन्य व्यक्ति के कब्जे का विवरण (रिपोर्ट के साथ नक्शे में लाल स्याही से चिन्हित किया जाए)

अनुक्रमांक	नाम	क्षेत्रफल(हेक्टर में/वर्गमीटर में)	ब्यौरे
(1)	(2)	(3)	(4)
1.			
2.			

8. सीमांकन के दौरान उठाई गई आपत्तियों के विवरण तथा उन पर विनिश्चय

अनुक्रमांक	आपत्तिकर्ता का नाम	संक्षिप्त में आपत्तियां	आपत्तियों पर विनिश्चय
(1)	(2)	(3)	(4)
1.			
2.			
3.			

9. 'पंचनामा' में हस्ताक्षर करने से इन्कार करने वाले व्यक्तियों के विवरण

अनुक्रमांक	नाम	इन्कार करने का कारण
(1)	(2)	(3)
1.		
2.		

10. यदि सीमांकन नहीं किया जा सका हो, तो कारण अभिलिखित किये जाएं.....

11. राजस्व निरीक्षक/नगर सर्वेक्षक द्वारा पूर्व में किए गए सीमांकन दिनांक.....
से भिन्नता

12. दल नायक की टीप

दिनांक.....

स्थान.....

हस्ताक्षर.....

नाम.....

दल नायक तथा दल के सभी अन्य सदस्य

संलग्न :

1. हितबद्ध पक्षकारों पर तामील किए गए नोटिस की प्रतियां
2. बिना तामील हुए नोटिस मूल में (यदि कोई हों)
3. पंचनामा
4. क्षेत्र पुस्तिका (फील्ड-बुक)
5. नक्शा
6. अन्य.....

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

मुजीबुर्रहमान खान, उपसचिव.

भोपाल, दिनांक 28 जनवरी 2019

क्रमांक एफ 2-13-2018-सात-शा. 7.— भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की अधिसूचना क्र. 2-13-2018-सात-शा. 7, दिनांक 28 जनवरी 2019 का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

मुजीबुर्रहमान खान, उपसचिव.

No. F-2-13-2018-VII-Se. 7

Bhopal, the 28th January 2019

In exercise of the powers conferred by clause (xxx) of sub-section (2) of section 258 of the Madhya Pradesh Land Revenue Code, 1959 (No 20 of 1959) read with section 129 of the said Code and in supersession of this Department's notification number 187-6477-VII-N-(Rules) dated 6th January, 1960, published in the Madhya Pradesh Rajpatra, dated 22nd January, 1960, the State Government, hereby, makes the Madhya Pradesh Bhu-Rajasv Sanhita (Seemankan) Niyam, 2018, the same have been previously published, as required by sub-section (3) of section 258 of the said Code, namely:-

FINAL RULES

1. Short title and commencement.-

- (1) These rules may be called the Madhya Pradesh Bhu-Rajasava Sanhita (Seemankan) Niyam, 2018.
- (2) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.-

- (1) In these rules unless the context otherwise requires,-
 - (a) 'Code' means the Madhya Pradesh Land Revenue Code, 1959 (No 20 of 1959);
 - (b) 'Form' means the forms appended to these rules;
 - (c) 'Schedule' means schedule appended to these rules;
 - (d) 'Section' means section of the Code;

- (e) 'Team leader' means the person leading the team constituted under rule 8.
- (2) The words and expressions used in these rules but not defined and have been defined in the Code, shall have the same meaning as respectively assigned to them in the Code.
3. The application for demarcation and construction of boundary marks shall be made in Form I.
4. (1) The applicant shall pay such fees as may be fixed by the Collector from time to time, with the approval of the Commissioner Land Records for demarcation and construction of boundary marks respectively.
- (2) Different fees may be fixed for different districts depending on the charges required to be paid to the agencies authorised to render assistance in carrying out demarcation and construction of boundary marks in the different districts under sub-rule (1) of rule 7.
- (3) If the applicant wishes to construct the boundary marks at his own expenses and labour he shall pay fee as fixed for demarcation only.
- (4) Till the fee is fixed by the Collector under sub-rule (1), the applicant shall pay the fee fixed immediately prior to the commencement of these rules.
5. The demarcation report under sub-section (2) of section 129 shall be submitted to the Tahsildar in Form II.
6. The demarcation report under sub-section (7) of section 129 shall be submitted to the Sub-Divisional Officer in Form III.

7. (1) The Collector, under sub - section (3) of section 129, under the control of Commissioner Land Records, may authorize one or more agency for the district to render assistance in carrying out demarcation and construction of boundary marks.
- (2) The Tahsildar may, in accordance with the directions issued by the Collector from time to time engage any one of the agencies authorised under sub-rule (1) to assist Revenue Inspector or Nagar Sarvekshak in carrying out demarcation and construction of boundary marks under sub-section (3) of Section 129.
- (3) The Sub-Divisional Officer may, in accordance with the directions issued by the Collector, from time to time, engage any of the agency authorised under sub-rule (1) to carry out demarcation and construction of boundary marks under sub-section (6) of section 129.
8. (1) The team deputed by the Sub-Divisional Officer under sub-section (6) of section 129 shall consist of following persons –
 - (a) Superintendent of Land Records or Assistant Superintendent of Land Records or Revenue Inspector or Nagar Sarvekshak-as Team Leader; and
 - (b) any other Revenue Inspector or Nagar Sarvekshak-as a member of the team.
- (2) The Sub-Divisional Officer may, if he thinks fit, add one or more persons having expertise in demarcation of land in the team constituted under sub-rule (1).
9. The dimensions and specifications of boundary marks constructed under sub-section (9) of section 129 shall be as per Schedule-I:

Provided that till the authorization of the agencies under sub-rule (1) of rule 7, the dimensions and specifications of boundary marks shall be the same as specified immediately prior to the commencement of these rules.
10. The Commissioner Land Records may from time to time issue technical instructions for carrying out demarcation and construction of boundary marks under sub-section (9) of section 129.
11. If any person willfully destroys or damages or removes without lawful authority any boundary or survey marks constructed lawfully he may be liable for penalty under section 130 of the Code.

SCHEDULE-I
Specifications of boundary marks

(See Rule 9)

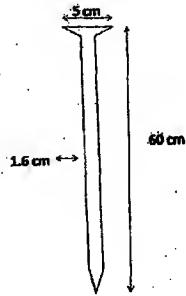
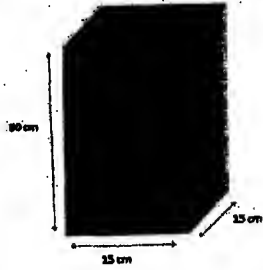
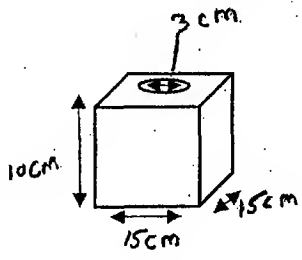
1. Property pins of the specifications given in the Table below may be fixed as boundary marks to facilitate identification of the boundaries of a survey number, block number or plot number.
2. At least four property pins shall be used to delineate the boundaries of the land of which at least two pins shall be of Type 1.
3. Where it is not possible to use Type 1 or Type 2 pins, Type 3 pins may be used.
4. On the curvatures and bends of the boundary of land as many property pins shall be fixed as may be deemed necessary to define the boundary.
5. To increase the visibility of boundary marks property pin caps may be used at the request of the applicant.
6. The expenses of purchasing and fixing property pins and property pin caps shall be borne by the applicant. In order to procure and fix the pins and caps, the applicant may choose the agency designated by the Collector or any other source.
7. The Commissioner Land Records may, from time to time, issue directions regarding use of property pins.

Table

[see rule 9]

Specifications for boundary marks used in demarcation

S.No	Type of Boundary Mark	Specifications	Diagram
(1)	(2)	(3)	(4)
1.	Property Pin -Type 1	<p>(1) Mild Steel bar with a coating of galvanized steel.</p> <p>(2) Dimensions:-</p> <p>(a) Diameter – 2.5 cm</p> <p>(b) Length – 90 cm</p> <p>(c) Conical Head of 5 cm diameter which is flat at the top</p> <p>(d) Bottom end of the pin tapers to a sharp point</p> <p>(3) The pin shall be inserted vertically into the ground on the border of the survey number, block number or plot number, as the case may be, leaving 10 cm of the pin above the ground.</p> <p>(4) Where a fence or wall is to be constructed, the height of the property pin above the ground may be increased and the pin be made a part of the wall or fence.</p> <p>(5) The applicant may at his own expenses use cement concrete or other suitable material to fix the pin to the ground.</p>	<p>PROPERTY PIN TYPE 1</p>

2.	Property Pin- Type-2	<p>(1) Mild Steel bar with a coating of galvanized steel.</p> <p>(2) Dimensions:-</p> <p>(a) Diameter – 1.6 cm</p> <p>(b) Length – 60 cm</p> <p>(c) Conical Head of 5 cm diameter which is flat at the top</p> <p>(d) Bottom end of the pin tapers to a sharp point</p> <p>(3) The pin shall be inserted vertically into the ground on the border of the survey number, block number or plot number, as the case may be, leaving 10 cm of the pin above the ground.</p> <p>(4) Where a fence or wall is to be constructed, the height of the property pin above the ground may be increased and the pin be made a part of the wall or fence.</p> <p>(5) The applicant may at his own expenses use cement concrete or other suitable material to fix the pin to the ground.</p>	<p>PROPERTY PIN TYPE 2</p> 
3.	Property Pin- Type - 3	<p>(1) Reinforced Cement Concrete (RCC) pillar or stone pillar of dimensions 60 cm x 15 cm x 15 cm</p> <p>(2) The pillar shall be inserted into the ground with plain cement concrete (PCC).</p> <p>(3) Top 10 cm end of the pillar shall be above the ground.</p>	<p>PROPERTY PILLAR</p> 
4.	Property Pin cap	<p>(1) Plain cement concrete block or stone block of dimensions 15 cm x 15 cm x 10 cm with a hole of 3 cm diameter in centre.</p> <p>(2) The pin cap shall be placed on the ground at a point where a Property Pin is to be fixed and the pin shall be inserted into the ground through the hole of the cap.</p>	

FORM-I

[see rule 3]

**APPLICATION FOR DEMARCATION AND CONSTRUCTION
OF BOUNDARY MARKS**

To,

Tahsildar/Additional Tahsildar/Naib Tahsildar.....

Tahsil.....

District.....M.P.

I/we....., hereby, request for demarcation of land as per the particulars given below:

and/or

I/We, hereby, request for construction of the boundary marks as per the particulars given below:

1. Particulars of the applicant

S. No	Name and Address	Name of Father/ Mother/ Husband/ Guardian	Mobile/ Phone number	Scheduled Tribe/Schedule d Caste/ Other	Description and number of identity document	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.						
2.						

2. Particulars of land to be demarcated

District.....Tahsil.....Revenue Inspector Circle.....

Patwari Halka No./Sector No.Village/Urban Area.....

S.No.	Survey No./Block No./Plot No.	Area (in hectare/sq.mtr.)	Name of the holder
(1)	(2)	(3)	(4)
1.			
2.			

3. Particulars of holders of adjoining lands

S. No	Survey No./Block No./Plot No.	Name of holder	Name of Father/Mother/Husband /Guardian	Full address	Mobile/ Phone number (if known)
(1)	(2)	(3)	(4)	(5)	(6)
1.					
2.					

*4. Details of fee deposited

(in Rupees)

S.No.	Particular of fee deposited	Amount	Details of receipt of fees
(1)	(2)	(3)	(4)
1.	For demarcation		
2.	For construction of boundary marks		
	Total in figures in words		

* If the applicant wishes to construct boundary marks at his own expenses and labour he shall pay fee fixed for demarcation only.

Declaration

I/we.....Son of/Daughter of/Husband of
.....address (full address with mobile phone No.)....., hereby, declares that the information given by me/us is true and correct to the best of my/our knowledge and nothing has been concealed by me/us. I/we also understand that in case of incorrect information submitted by me/us, legal action may be taken against me/us.

Date.....

Place.....

Signature

Name.....

Applicant(s)

Essential enclosure

1. Copy of Khasra
2. Copy of Map of Survey No./Block No./Plot No. to be demarcated including adjoining Survey No./Block No./Plot No.
3. Copy of receipt of fee.

FORM-II

[see rule 5]

**DEMARCATATION REPORT OF REVENUE INSPECTOR/NAGAR
SARVEKSHAK**

Revenue Case No.....

The Court of Tahsildar/Additional Tahsildar/Naib Tahsildar.....

Tahsil.....District.....M.P

Demarcation Report dated.....

In compliance to your order datedreport of the demarcation of
Survey No./Block No./Plot No.....situated in village/urban
area.....Patwari halka No./Sector No.....belonging to the applicant
.....is submitted as below:

1. Date of carrying out the demarcation.....

2. Start time of demarcation.....End time of demarcation.....

3. Particulars of notice of demarcation given to interested parties

S.No	Name	Date and mode of service of notice
(1)	(2)	(3)
1.		
2.		

4. Particulars of parties whom notice could not be served

S.No	Name	Reasons for non-service of notices
(1)	(2)	(3)
1.		
2.		

5. Names of officials and parties present during the demarcation

S.No	Name	Designation/Party
(1)	(2)	(3)
1.		
2.		
3.		

6. Types and number of boundary marks constructed, if any, after demarcation
.....

7. Particulars of possession of any person other than applicant over the land or part thereof (to be marked in red ink in the map to be attached with the report)

S.No	Name	Area (in hect./sq.mtr.)	Details
(1)	(2)	(3)	(4)
1.			
2.			

8. Particulars of objections raised during demarcation and decisions thereon

S.No	Name of objector	Objection in brief	Decision on objections
(1)	(2)	(3)	(4)
1.			
2.			

9. Particulars of persons refusing to sign the 'Panchanama'

S.No	Name	Reasons for refusal
(1)	(2)	(3)
1.		
2.		

10. If demarcation could not be done, reasons to be recorded.....

11. Comments of Revenue Inspector/Nagar Sarvekshak.....

.....
.....
.....

Date.....

Place.....

Signature

Name.....

Revenue Inspector/Nagar Sarvekshak

Enclosures-

1. Copies of notices served on interested parties
2. Unserved notices in original (if any)
3. Panchanama
4. Field Book
5. Map
6. Others

FORM-III

[see rule 6]

REPORT OF DEMARCATION TEAM

Revenue Case No.....

The Court of Sub-Divisional Officer, Sub-Division.....

Tahsil.....District.....M.P

Demarcation Report dated.....

In compliance to your order datedreport of the demarcation of Survey No./Block No./Plot No.....situated in village/urban area.....Patwari halka No./Sector No.....belonging to the applicantis submitted as below:-

1. Date of carrying out the demarcation.....

2. Start time of demarcation.....End time of demarcation.....

3. Particulars of notice of demarcation given to interested parties

S.No	Name	Date and mode of service of notice
(1)	(2)	(3)
1.		
2.		

4. Particulars of parties whom notice could not be served

S.No	Name	Reasons for non-service of notices
(1)	(2)	(3)
1.		
2.		

5. Names of officials and parties present during the demarcation

S.No	Name	Designation /party
(1)	(2)	(3)
1.		
2.		

6. Types and number of boundary marks constructed, if any, after demarcation
.....

7. Particulars of possession of any person other than applicant over the land or part thereof (to be marked in red ink in the map to be attached with the report)

S.No	Name	Area (in hect./sq.mtr.)	Details
(1)	(2)	(3)	(4)
1.			
2.			

8. Particulars of objections raised during demarcation and decisions thereon

S.No	Name of objector	Objections in brief	Decisions on objections
(1)	(2)	(3)	(4)
1.			
2.			

9. Particulars of persons refusing to sign the 'Panchanama'

S.No	Name	Reasons for refusal
(1)	(2)	(3)
1.		
2.		

10. If demarcation could not be done, reasons to be recorded.....

11. Difference from the previous demarcation done by the Revenue Inspector/Nagar Sarvekshak on.....(date)

12. Comments of Team Leader

.....
.....

Date.....

Place.....

Signature.....

Names.....

Team Leader and other Members of the Team

Enclosures-

1. Copies of notices served on interested parties
2. Un-served notices in original (if any)
3. Panchanama
4. Field Book
5. Map
6. Others

By order and in the name of the Governor of Madhya Pradesh,
MUJEEBUR REHMAN KHAN, Dy. Secy.